

MINUTES of MEETING of ARGYLL AND BUTE LOCAL REVIEW BODY held in the COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD on MONDAY, 29 NOVEMBER 2010

Present:

Councillor Daniel Kelly (Chair)

Councillor Rory Colville

Councillor Bruce Marshall

Attending:

Charles Reppke, Head of Governance and Law (Adviser)

Hazel Kelly, Senior Committee Assistant (Minute Taker)

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. CONSIDER NOTICE OF REVIEW REQUEST: ARLDALE, WESTERN ROAD, TOBERMORY

The Chair welcomed everyone to the meeting. He advised that the only parties entitled to speak would be the Members of the Panel and Mr Reppke who would provide procedural advice if required.

The Chair asked the Local Review Body if they felt they had sufficient information before them to reach a decision on the review.

Councillor Marshall advised that he would like clarification from the Planning Authority on whether the application for the proposed conservatory included the 9m² area occupied by the existing conservatory.

Councillor Colville advised that it was hard to judge from the information supplied whether there was an adverse affect on surrounding properties and requested, as this was a retrospective application, that a series of photographs be provided by the Planning Authority showing views from different angles both inside and outside the conservatory.

Mr Reppke advised that in terms of the review the Local Review Body's focus should be to look at the impact on privacy and amenity to surrounding properties and that photographs would be useful in assessing this. He added that should Members feel that after viewing the photographs that they could still not make a judgement then a site visit could be arranged.

Councillor Kelly referred the Panel to page 13 of the papers and questioned the accuracy of the views from the existing patio area that had been demonstrated on the plans. He requested clarification from the Planning Authority on the height of the existing patio area and whether this had always been at this level or had been raised for the purpose of

building the conservatory.

Councillor Marshall noted that if the patio had always been at this height then there was the possibility that this had been used as an outdoor seating area already and in his view building would actually reduce the view over surrounding properties.

Mr Reppke advised that as the existing patio was outside and not within the footprint of the building and therefore the views onto surrounding properties from this patio were not considered as part of the application. He advised that the conservatory required planning permission as the area exceeded the 20m² which was allowed under permitted development rights.

Councillor Colville added that there was no doubt that the conservatory had been expanded further forward than the existing patio area and that photographs would be useful to determine if the conservatory did overlook neighbouring properties.

Councillor Marshall suggested the use of boundary screening trees to reduce the impact to the amenity of surrounding properties and Mr Reppke advised that Members could request from Planning Services, suggested conditions for their consideration.

Decision

The Local Review Body agreed to request from the Planning Authority –

1. Clarification on whether the application included the area occupied by the existing conservatory.
2. A range of photographs showing panoramic views from inside the conservatory and views from outside the conservatory looking in which would assist Members in assessing the impact on amenity to surrounding properties.
3. Clarification on the height of the existing patio area before construction of the conservatory and when the patio area was built.
4. Appropriate conditions and reasons were the application to be given consent.

The meeting of the Argyll and Bute Local Review Body reconvened on 19 January 2011 at 2.00pm in the Council Chambers, Kilmory, Lochgilphead.

Present: Councillor Daniel Kelly (Chair)
Councillor Rory Colville
Councillor Bruce Marshall
Charles Reppke, Head of Governance and Law (Adviser)
Hazel Kelly, Senior Committee Assistant (Minute Taker)

There were no apologies for absence. There were no declarations of

interest.

The Chair welcomed everyone to the meeting. He advised that the only parties entitled to speak would be the Members of the Panel and Mr Reppke who would provide procedural advice if required.

Mr Reppke advised that a late submission had been received from the Planning Authority which included additional photographs to the ones provided in the further written submission included in the agenda pack. He asked if the Local Review Body wished to consider these; to which they replied that they did.

The Chair asked the Local Review Body if they felt they had sufficient information before them to reach a decision on the review.

Councillor Marshall advised that he now had sufficient information to make a decision on the application. He advised that the photographs had been helpful and told the panel that he felt that the conservatory was a good distance away from the neighbouring properties and that it was not imposing to them.

Councillor Colville advised that he too felt that he had sufficient information to make a decision on the application. He advised that although he could see the Planning Authority's point of view; the photographs had reassured him regarding any privacy issues he may have had. He added that were the panel minded to approve the application he would want the suggested condition by the Planning Authority included as the screening would ensure the neighbours privacy.

Councillor Marshall added that he agreed with Councillor Colville and requested that the type of screening used was not of excessive height and was suitable to the surrounding area. He advised that trees such as Sycamore, Spruce and Larch would not be suitable.

Mr Reppke advised that Planning Officers were experienced in specifying appropriate boundary treatments and that his requests could be accommodated should the application be approved.

Councillor Kelly advised that he too had sufficient information to make a decision on the application and advised that in his opinion the design of the conservatory did not have an adverse impact on the design of the bungalow; that it was not in a high scale development area.

Decision

The Argyll and Bute Local Review Body agreed to grant retrospective planning permission subject to imposing the following condition –

Condition: Within one month of the date of this permission full details of a scheme of planting not less than 2 metres in height along the southeast boundary of the property shall be submitted to and approved in writing

by the Planning Authority. Such details as are approved shall be fully implemented on site within six months of the date of this permission.

Reason: In order to protect the privacy and amenity of neighbouring properties.

They had reached this view on the basis that the development would not have an adverse impact on privacy and amenity in this area. In addition they did not believe that the design was of such poor quality as to mitigate for refusal on design grounds.

